

## Commodity Credit Corporation, USDA

## § 1416.705

### § 1416.703 Application process.

(a) A complete application for 2005 Hurricane TAP benefits and related supporting documentation must be submitted to the county office prior to the deadline announced by the Deputy Administrator.

(b) A complete application includes all of the following:

(1) A form CCC-896 provided by CCC;

(2) Report of acreage identifying the geographic location and number of acres in the disaster-affected stand of claimed trees, bushes, and vines according to part 718 of this title;

(3) A written estimate of the number of acres of trees, bushes or vines lost or damaged which is prepared by the owner or someone who is a qualified expert, as determined by the county committee;

(4) Sufficient evidence of the loss to allow the county committee to calculate whether an eligible loss occurred.

(c) Before requests will be approved, the county committee:

(1) Must verify actual qualifying losses and the number of acres involved by on-site visual inspection of the land and trees, bushes or vines.

(2) May request additional information and may consider all relevant information in making their determination, including their members' own knowledge about the applicant's normal operations.

### § 1416.704 Payment calculation.

(a) An approved eligible producer shall be reimbursed in an amount not to exceed 75 percent of the eligible costs for the qualifying practice. The payment shall be the lesser of the 75% of actual costs for the practice or the amount calculated using rates established by the Deputy Administrator. The costs permitted shall only be approved for:

(1) Seedlings or cuttings, for trees, bushes or vine replanting;

(2) Site preparation and debris handling within normal cultural practices for the type of individual stand being re-established and necessary to ensure successful plant survival;

(3) Chemicals and nutrients necessary for successful establishment;

(4) Labor to plant seedlings or cuttings as determined reasonable by the county committee;

(5) Replacement, rehabilitation, and pruning; and

(6) Labor used to transplant existing seedlings established through natural regeneration into a productive tree stand.

(b) Costs for fencing, irrigation, irrigation equipment, protection of seedlings from wildlife, general improvements, re-establishing structures, windscreens and other costs as determined by the Deputy Administrator are not eligible for reimbursement benefits.

(c) When lost stands are replanted, the types planted may be different than those originally planted if the new types have the same general end use, as the county committee determines and approves. Payments will be based on the lesser of rates established to plant the types actually lost or the cost to establish the eligible alternative type used. If the species of plantings, seedlings or cuttings differs significantly from the species lost then, except as the county committee determines, the costs may not be reimbursed.

(d) Eligible producers may elect not to replant or rehabilitate the entire eligible stand. If so, the county committee shall calculate payment based on the number of qualifying trees, bushes or vines actually replanted or rehabilitated.

(e) In addition to the prohibition in §1416.6(g), and the payment limitation in §783.6(f) of this title, producers cannot receive duplicate benefits under this subpart and subpart D of this part, the Hurricane Citrus Disaster Program, for the same loss.

### § 1416.705 Obligations of a participant.

(a) Eligible producers must execute all required documents and complete the 2005 Hurricane TAP funded practice within 12 months of application approval.

(b) If a person was erroneously determined to be eligible or becomes ineligible for all or part of a 2005 Hurricane TAP benefit, the person and successor shall refund any payment paid under this part together with interest from

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the date of disbursement at a rate in accordance with part 1403 of this chapter.

(c) Participants must allow representatives of FSA to visit the site for the purpose of certifying compliance with 2005 Hurricanes TAP requirements.

### **Subpart I—2005 Catfish Grant Program**

#### **§ 1416.800 General.**

(a) CCC will administer a limited program to provide assistance to catfish producers in eligible counties. Under the Catfish Grant Program, CCC will provide grants to the State governments of States where eligible counties are located. The amount of each grant will be based on the total value of the catfish feed loss suffered in every eligible county in the subject state as determined by CCC. Available grant funds under this subpart and funds under subpart B of this part will be uniformly prorated to ensure that available funding is not exceeded. Catfish producers in eligible counties who suffered at least a 30-day catfish feed loss may be eligible for these funds. Among other conditions of these grants, assistance provided by a State under such a grant to an applicant shall not exceed \$80,000, except for general partnerships and joint ventures, in which case assistance shall not exceed \$80,000 times the number of members that constitute the general partnership or joint venture.

(b) No producer may receive duplicate payments under this subpart and any other Federal programs for the same loss.

## **PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES—MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS FOR THE 2002 THROUGH 2007 CROP YEARS**

### **Subpart A—General**

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- 1421.3 Definitions.
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- 1421.5 Eligible commodities.
- 1421.6 Beneficial interest.
- 1421.7 Requesting marketing assistance loans and loan deficiency payments.
- 1421.8 Eligible quantity.
- 1421.9 Basic loan rates.
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- 1421.11 Spot checks.
- 1421.12 Production evidence.
- 1421.13 Special marketing assistance loans and loan deficiency payments.
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### **Subpart B—Marketing Assistance Loans**

- 1421.100 Applicability.
- 1421.101 Maturity dates.
- 1421.102 Adjustment of basic loan rates.
- 1421.103 Approved storage.
- 1421.104 Marketing assistance loan making.
- 1421.105 Farm-stored marketing assistance loans.
- 1421.106 Warehouse-stored marketing assistance loan collateral.
- 1421.107 Warehouse receipts.
- 1421.108 Transfers and reconcentrations.
- 1421.109 Personal liability of the producer.
- 1421.110 Repayments.
- 1421.111 Commodity certificate exchanges.
- 1421.112 Loan settlement.
- 1421.113 Foreclosure.
- 1421.114 Recourse marketing assistance loans.

### **Subpart C—Loan Deficiency Payments**

- 1421.200 Applicability.
- 1421.201 Loan deficiency payment rate.
- 1421.202 Loan deficiency payment quantity.
- 1421.203 Personal liability of the producer.

### **Subpart D—Grazing Payments for 2002–2007 Crop Years of Wheat, Barley, Oats and Triticale**

- 1421.300 Applicability.
- 1421.301 Administration.
- 1421.302 Definitions.
- 1421.303 Eligible producer and eligible land.
- 1421.304 Time and method for application.
- 1421.305 Payment amount.
- 1421.306 Misrepresentation and scheme or device.
- 1421.307 Refunds; joint and several liability.

### **Subpart E—Designated Marketing Associations for Peanuts**

- 1421.400 Applicability and abbreviations.
- 1421.401 Definitions.
- 1421.402 DMA responsibilities.
- 1421.403 DMA eligibility to process loans and loan deficiency payments.
- 1421.404 DMA approval.
- 1421.405 Financial security.
- 1421.406 Liability.
- 1421.407 Reporting requirements.